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DONELSON'S MISSION TO TEXAS IN BEHALF OF ANNEXATION*

ANNIE MIDDLETON

I. INTRODUCTORY

1. *Recognition of Texan Independence by the United States*

In the fall of 1835 Texas found herself at war with Mexico. This began as an effort on the part of the Texans to restore the "republican principles" of government overthrown by Santa Anna, but it soon became a struggle for independence. Although the Texans held a consultation at San Felipe in November and organized a provisional government, they remained at least nominally faithful to Mexico until the convention met at Washington, Texas, March 1, 1836. This convention declared the independence of Texas, drew up a constitution, and organized a permanent government. Pending the adoption of the constitution and the election of officers for the new government, the convention created a government *ad interim*.

In December, 1835, Governor Smith had directed Branch T. Arthur, Stephen F. Austin, and William H. Wharton, the commissioners to the United States, to ascertain whether the United States would immediately recognize the independence of Texas if she declared her independence; so, after the March convention

*This is a study of the final stage of the annexation movement from the Texan side. Little remains to be said concerning the international phases of this question, but the local aspect of the movement needed examination. This paper and the one to follow on the Texan convention of 1845 were accepted as the thesis for the Master of Arts degree by the Graduate Council of the University of Texas in June, 1920.

had declared independence and organized a government *ad interim*, it was natural to suppose that the government would push the question of recognition with energy. On March 19, David G. Burnet, president of the government *ad interim*, appointed George Childress and Robert Hamilton as agents to the United States to open negotiations for "a recognition of the Sovereignty and Independence of Texas."¹ However, he recalled them, and appointed James Collinsworth and Peter W. Grayson as commissioners to the United States to solicit the recognition of the independence of Texas by the United States and the annexation of Texas to the United States. Since they did not arrive in Washington until July 8, Congress had adjourned, and President Jackson was on the point of leaving for his home at Nashville, Tennessee, Collinsworth went on to Nashville, to converse more at length with President Jackson. Grayson remained in Washington, hoping to open official communication with the authorities there. However, when he presented his credentials, he found that President Burnet had issued them without the seal of state or even his own private seal; so, accordingly, before anything could be accomplished, it was necessary to secure new credentials. He immediately wrote President Burnet asking that new credentials be forwarded him without delay, but no attention was paid to his request. However, he remained at Washington until November. At this time he received a letter from President Burnet announcing that the September elections had been held, and that the new government would doubtless appoint at an early date commissioners to Washington.² Therefore, when the commission of Collinsworth and Grayson expired with that of the provisional government, October 22, 1836, the status of the question of recognition was as yet practically untouched so far as any effort on the part of the Texas agents was concerned.

At the general election in September, General Houston was chosen president, and M. B. Lamar, vice-president; and Houston appointed Henry Smith, secretary of the treasury, and Stephen F. Austin, secretary of state. After the government was organized,

¹Burnet to Childress, March 19, 1836. Garrison, *Diplomatic Correspondence of the Republic of Texas*, I, 73-74, in *Am. Hist. Assn. Report*, 1907, II.

²Burnet to Grayson, September 12, 1836. Garrison, *Diplomatic Correspondence of the Republic of Texas*, I, 123, in *Am. Hist. Assn. Report*, 1907, II.

President Houston appointed Wm. H. Wharton minister to the United States "to enter into negotiations and treaties with the United States government for the recognition of the independence of Texas."³ On December 21, 1836, just three days after Wharton reached Washington, President Jackson in his message to Congress advised delay in the recognition of Texas independence. However, on January 11, 1837, R. J. Walker offered a resolution that "the independent political existence of said state be acknowledged by the Government of the United States."⁴ On March 1, 1837, the Senate, by a vote of twenty-three to nineteen, passed this resolution, and two days later President Jackson appointed Alcée La Branche of Louisiana chargé d'affaires to the Republic of Texas.

2. *Offer of Annexation by Texas*

In November, 1836, President Houston had instructed Wharton to make an effort in behalf of annexation, but as John Forsyth, Secretary of State of the United States, thought that annexation should be the work of a northern president, nothing beyond recognition was gained during President Jackson's administration. Van Buren became president in March, 1837; however, Texas made no effort to secure annexation until August. Then Memucan Hunt, the Texan minister at Washington, in accordance with the instructions of his government, presented to Secretary Forsyth a formal proposition for the annexation of Texas. Nevertheless, because of the "furious opposition of the free States" and the fear of involving the country in a war that would be branded as an unjust war by enemies at home and abroad, President Van Buren would not promise assent to this proposal. The offer remained open until President Houston directed its withdrawal in October, 1838; and from that time the Texans put new energy into the effort to secure recognition in Europe. M. B. Lamar became president of Texas in December, 1838, and in his inaugural address he declared strongly against annexation, and an almost unanimous vote of Congress sustained him.

³Austin to Wharton, November 18, 1836. Garrison, *Diplomatic Correspondence of the Republic of Texas*, I, 127.

⁴Wharton to Austin, January 15, 1837. Garrison, *Diplomatic Correspondence of the Republic of Texas*, I, 176.

3. *Negotiation of the Annexation Treaty*

Despite the repulse of Texas in her desire for annexation, she was the first to return to the subject. In March, 1842, President Houston, who began his second term as president of Texas in December, 1841, instructed Isaac Van Zandt, the chargé d'affaires from Texas to the United States, to study the sentiment of Congress and the people relative to annexation and to keep his government advised. The United States continued to be indifferent until a truce between Texas and Mexico was secured in the summer of 1843 by the efforts of the British and French ministers in Mexico. Thereupon, Anson Jones, Texan Secretary of State, instructed Van Zandt to make a formal statement to the authorities at Washington "that the subject of annexation was not open to discussion."⁵ In the words of Jones, "This aroused all the dormant jealousies and fears of that government, the apathy of seven years' sleep over the question was shaken off, and a treaty of annexation was proposed to be celebrated."⁶

The uneasiness thus awakened at Washington was much increased by reports that the British were using their influence in Texas to abolish slavery. As these reports continued to reach Washington, President Tyler and A. P. Upshur, the United States Secretary of State, came to the conclusion that British influence was working strongly in Texas, and that the one aim of Great Britain was to secure the abolition of slavery in that republic. Therefore, they decided to forestall such an event by concluding a treaty of annexation. The negotiations, so far as they are on record, began October 16, 1843, with a letter from Upshur to Van Zandt offering to reopen the subject. Van Zandt sent to Texas for instructions, but President Houston assumed an attitude of indifference and caution, as he thought the chances for the ratification of the treaty by the United States Senate were not favorable, and, if it should fail, the alienation of England would leave Texas in an awkward position. Therefore, he demanded that the United States should place troops near the Texas border during the time of the negotiations, and that the United States should guarantee the independence of Texas, if the treaty should fail. W. S. Murphy, the United States chargé to Texas, assented

⁵Jones to Van Zandt. July 6, 1843. *Diplomatic Correspondence of Texas*, MS. Texas State Library.

⁶Jones, *Letters Relating to the History of Annexation*, 8.

to the first condition, but not to the second. Nevertheless, President Houston appointed J. P. Henderson to co-operate with Van Zandt in the negotiation of the proposed treaty. Upshur had been killed by accident on February 28, and President Tyler had appointed John C. Calhoun to succeed him; so, it was with him that the Texan chargés negotiated the treaty. On April 22, President Tyler sent the treaty to the Senate for ratification. Although he urged its adoption in the message accompanying the treaty, it was rejected, June 8, 1844, by a vote of thirty-five to sixteen. The opposition contended that the annexation of Texas would favor the extension and perpetuation of slavery, and that Mexico would consider such a step as a just cause for war.

In the meantime Henry Clay and Martin Van Buren had come out against annexation; the Whig and Democratic conventions had been held; Henry Clay had been nominated for the presidency by the Whigs and James K. Polk by the Democrats; and the annexation question had been made a plank in the Democratic platform.

II. DONELSON IN TEXAS

1. *Donelson's Instructions*

Just a few days after the Senate rejected the treaty of annexation, it refused to confirm the appointment of W. S. Murphy, who had been acting as representative to Texas by the president's appointment. Thereupon, President Tyler appointed T. A. Howard, a personal friend of Houston and Jackson, to take his place. The Senate confirmed this appointment, June 12, 1844, and Secretary Calhoun promptly issued his instructions. In these Calhoun said: "The recent rejection of the Treaty of annexation by the Senate of the United States has placed the relation between the United States and Texas in a very delicate and hazardous state, and the great object of your mission is to prevent, by every means in your power, the dangerous consequences to which it may lead. As your initial step, satisfy the Texan government that the loss of the Treaty does not necessarily involve the failure of the great object which it contemplated. It is now admitted that what was sought to be effected by the Treaty submitted to the Senate, may be secured by a joint resolution of the two houses of Congress incorporating all its provisions, and this will require only a majority in each house." Calhoun went on to say that

just two days after the Senate rejected the annexation treaty, President Tyler had referred it to the House for consideration. A motion was made to lay the President's message and the documents accompanying the treaty upon the table, but this motion was defeated by a majority of fifty-three votes; and a motion to suspend the rules with a view to printing fifteen thousand copies of these papers was carried by a vote of one hundred and eight to seventy-nine. The sentiment of the people was even more satisfactory, and it was constantly growing better; and it was believed that after meeting their constituents, particularly in the South and West, a sufficient number of Congressmen would change to insure passage of a joint resolution.

Calhoun added that it could not be supposed that the government and the people of Texas would abandon the idea of annexation as long as there was any reasonable hope of success, for that "would imply that they are not only insensible to the feelings and sympathy which belong to a common origin, but blind to their own safety and prosperity. The danger is that the revolution of disappointed hopes, highly excited, may be seized upon by an interested and wily diplomacy, and made the means of seducing them" into forming an alliance with England, which would eventually be disastrous to the United States, to Texas, and to the American continent as well, and "the result, in the end, must be abject submission on the part of Texas." The defeat of the treaty was due to "temporary causes," concluded Calhoun, and the policy of annexation had "taken such deep and general hold upon the public mind that it must ultimately triumph, should it not be abandoned by the Government and People of Texas."¹

Unfortunately Howard was not permitted to carry out these instructions, as he died after a residence in Texas of only thirteen days. President Tyler received the news of his death, September 16, and immediately appointed Andrew Jackson Donelson,² the

¹Calhoun to Howard, June 18, 1844. Smith, *The Annexation of Texas*, 361-362.

²Andrew Jackson Donelson (1800-1871) was educated at the United States Military Academy, and graduated from that institution in 1820. He then served for two years as aide-de-camp to General Andrew Jackson. After resigning from the army he attended Lexington College, and was admitted to the bar in 1823. On Jackson's election to the presidency he became his confidential adviser and private secretary, continuing to serve until the close of his second administration. The annexation treaty between the United States and Texas having been rejected by the Sen-

nephew and former private secretary of Jackson, in his place. On the next day he sent a special messenger to Donelson with the following letter:

The state of things is such as to require that the place of Chargé d'Affaires of the United States to Texas be filled without delay and to select him, who, under all circumstances, may be thought best calculated to bring to successful decision the great question of annexation now pending before the two countries. After full deliberation you have been selected as that individual, and I do hope, my dear Sir, that you will not decline the appointment, however great may be the personal sacrifice of accepting.

That great question must be settled in the next three or four months, and whether it will be decided favorably or not may depend upon him who may fill the mission now tendered to you. Indeed I cannot tell you how much depends upon its decision for weal or woe for our country and perhaps to the whole continent. It is sufficient to say, viewed in all its consequences, it is of the very first magnitude, and it gives to the mission, at this time an importance that raises it to the level with the highest in the gift of the Government.

Assuming, therefore, that you will not decline the appointment, unless some insuperable difficulty should interpose, and in order to avoid delay, a commission is herewith transmitted to you, without the formality of waiting your acceptance and the necessary papers.³

Donelson accepted this appointment upon the urgent solicitation of the government and his political friends, but at a great sacrifice of his private interests. *Niles' National Register* (Baltimore), October 26, 1844, congratulated the administration upon having been able to secure the services of one so "eminently qualified in all respects for the station, whose knowledge of the relations then subsisting between the two countries, and his intimate acquaintance with the statesmen of both this and that country places him in the enjoyment of advantages which cannot fail to secure the most desirable results."

ate in April, 1844, Donelson was asked to undertake new negotiations, and accordingly was appointed in September, 1844, as representative to Texas. He later served as minister to both Germany and Prussia. After Pierce was nominated in 1859, he quit the Democratic party and joined the American party. He was nominated for vice-president in 1850, but was defeated in the election which followed. He then retired to private life and spent the rest of his time on his vast estate. Appleton, *Cyclopaedia of American Biography*, II, 99.

³Calhoun to Donelson, September 17, 1844. *House Exec. Doc.*, 28th Cong., 2 Sess., I, 36; *Senate Doc.*, 28th Cong., 2 Sess., I, 36.

With no flattering prospects of success, Donelson entered upon the work of Howard, in the execution of which he was to follow out Howard's instructions. Howard had written Calhoun, August 6, that Texas desired aid to repel an anticipated Mexican invasion, since Mexico had been induced to her course by the "negotiations pending between Texas and the United States on the subject of annexation." Upon receiving this message, Calhoun had sent Howard a dispatch, instructing him "to assure the government of Texas that President Tyler feels the full force of the obligations of this government to protect Texas, pending the question of annexation, against the attacks which Mexico may make on her in consequence of her acceptance of the proposition of this government to open negotiations on the subject of annexation to the United States." Moreover, "as far as it relates to the executive department, he is prepared to use all its power for that purpose." In conclusion Calhoun had said that President Tyler would urge Congress to adopt measures to protect Texas effectually against the attacks of Mexico, pending the question of annexation. As this dispatch was not delivered to Howard, a copy of it was sent to Donelson, who was to consider it as a part of his instructions.⁴

After Calhoun had sent this dispatch to Howard, Major Butler, the United States agent for the Cherokee Indians, informed him that Mexican agents were being employed to arouse the Indian tribes on the southwestern frontier of the United States to acts of hostility against the citizens both of the United States and of Texas. Since this was a direct violation of the treaty of amity entered into between the United States and Mexico, May 5, 1831, President Tyler instructed and authorized Donelson to maintain peace and harmony among the border Indians, and to "restrain by force all incursions and hostilities of the Indians living within the United States."

Accordingly, the adjutant general issued orders to the officers in command of the forces at Forts Jesup, Towson, and Washita to comply with any requisition made by Donelson.⁵

⁴Calhoun to Howard, September 10, 1844. *Niles' National Register* (Baltimore), LXVII, 234; 28th Cong., 2 Sess., *Senate Doc.* No. 1, p. 38; *Ibid.*, *House Exec. Doc.* No. 2, p. 50.

⁵Calhoun to Donelson, September 17, 1844. *Niles' National Register* (Baltimore), LXVII, 234; 28th Cong., 2 Sess., *Senate Doc.* No. 1, p. 36; *Ibid.*, *House Exec., Doc.* No. 2, p. 36.

2. *Donelson's First Work in Texas*

Within a month after his appointment, Donelson left home for New Orleans; on November 6, 1844, he sailed for Texas, and was thereafter busy, except for a visit to the United States in December, with the difficult task of keeping track of the diplomatic activities of the Republic of Texas, especially in its relations with Great Britain, France, and Mexico.

On arriving in Texas, Donelson met with little encouragement. He heard much of British and French influence, which every day seemed to increase. President Houston had appointed G. W. Terrell, a well known advocate of independence, as minister to France and England, and Donelson feared that this was an indication of a change in Texas policy.⁶ The armistice entered into between Texas and Mexico, June 15, 1843, had expired, and Jones had received reports from Mexico that 15,000 Mexican soldiers would arrive at Matamoras in November. This situation was the more alarming, as there was little doubt that England endorsed the proposed campaign, preferring that Texas be Mexican rather than American. On September 10, Calhoun instructed Wilson Shannon, the United States minister in Mexico, to "protest in the most solemn form against both the invasion at this time and the barbarous and bloody manner in which it is proposed to be conducted." Furthermore, he was instructed to accompany the protest with "a declaration that the President cannot regard them with indifference, but as highly offensive to the United States."⁷ During an interview with Houston on November 24, Donelson showed him a copy of these instructions. Houston, nevertheless, complained that Henderson and Van Zandt should not have signed the treaty without fuller pledges of protection. Donelson, thereupon, assured him that the President felt the full force of his obligation, and that he would use all his constitutional power to protect Texas, but, since the co-operation of Congress was essential to effect annexation, any disagreement between the executive and Congress would delay matters. Donelson believed that the remedy in such a case was an appeal to the people. That appeal

⁶Donelson to Calhoun, November 18, 1844. Jameson, *Correspondence of John C. Calhoun*, 996.

⁷Calhoun to Shannon, September 10, 1844. *Niles' National Register*, LXVII, 232-233; Crallé, *Reports and Public Letters of John C. Calhoun*, V, 364-373.

had been made, and the election of Polk would be a national endorsement of Tyler's policy. Since Donelson had not received his credentials, he could not present the views of his government, but he gave Houston the assurance that they were so reasonable and just that they would command his respect. Thereupon, Houston professed that he would be glad to see annexation accomplished during his administration, and that he would adhere to this policy as long as there was a hope of effecting it on terms of honor and justice to his country.⁸

Although the American presidential campaign had revived the hopes of the people of Texas, Donelson still considered the situation critical; for, after talking with many prominent citizens, he became convinced that Texas, without giving up slavery, could obtain recognition from Mexico through British mediation. If, in addition to this, England and France offered unrestricted trade and the American Congress failed to act promptly, a satisfactory result could hardly be expected. His aim, therefore, was to hold the Texan government in a state of willingness until the United States could offer a practical invitation. Donelson emphasized the necessity for haste on the part of Congress, lest Mexico should recognize the independence of Texas before the United States could offer annexation. In his letter to Calhoun, November 23, he said, "Every day's delay is adding strength to the hands of those who are playing the game for the ascendancy of the British influence in the Republic. Delay will increase the difficulties already in our way, if it does not make them insurmountable."⁹

As Donelson delivered his letters of credence to Anson Jones, November 29, he was promptly presented in his official capacity to President Houston. On each of these occasions, complimentary speeches were exchanged. The following sentence illustrates the non-committal attitude of Jones. Donelson had assured him of "the sincere desire of the president of the United States to improve and render stable the good understanding between the two Republics." In reply Jones said, "The sameness of origin and interests of the two countries to which you have so kindly alluded has led the people of this on all occasions to desire the maintenance of the most friendly relations; and if the hope which they

⁸Donelson to Calhoun, November 24, 1844. Report by A. C. McLaughlin on the Diplomatic Archives of the Department of State, 69-73.

⁹Donelson to Calhoun, November 23, 1844. Quoted by Reeves, *American Diplomacy under Tyler and Polk*, 181.

have sometimes indulged, that these considerations might lead to the accomplishment of a common destiny, should be disappointed, I trust they will not be lost in their influence upon either country, in the preservation of those principles which they hold in common keeping." Despite Jones's attitude, Houston in his reply to Donelson's address expressed the sentiment of a majority of the people when he said, "Hitherto, my countrymen have been ready and willing to unite their destinies for weal or woe with those of the people of your own great land. Actuated by the noblest and most honorable feelings and motives, they have sent their ministers to the very door of your Senate house, and have asked for admission more than once. They have done all they could do; and the failure which has occurred is, I assure you, Sir, attributable to no want on their part of the most earnest disposition to see the desired union speedily and fully accomplished."¹⁰

In his valedictory message to Congress, December 2, Houston, nevertheless, did not give utterance to the annexation views with which he had raised Donelson's hopes. He said, "The attitude of Texas now, in my apprehension, is one of peculiar interest. The United States has spurned her twice already. Let her, therefore, maintain her position firmly as it is and work out her own political salvation." He also dwelt at length upon the splendid prospects of Texas if she "persevered in separate independence," upon the "manifest coolness of the United States," and upon the "friendly attitude of the European nations."¹¹ In his letter to Jackson a few days later, however, his attitude was somewhat more conciliatory. He said that in his opinion Texas should maintain her present position, and should "act aside from every consideration but that of her nationality," though "if the United States should open the door wide, it might be well for her to accept the invitation."¹²

Although President Houston thus made known his opinion in regard to annexation, President Jones, both in his inaugural address of December 9, and in his message to Congress, remained non-committal. Jones, however, a few days later made a definite advance toward England, when he advised Congress to estab-

¹⁰*Texas National Register* (Washington), December 14, 1844.

¹¹*Texas National Register*, December 14, 1844; *House Journal*, 9th Texas Cong., 10-16.

¹²Houston to Jackson, December 13, 1844. Yoakum, *History of Texas*, II, 433.

lish free trade arrangements with any country that would abolish its tolls on the chief products of Texas.¹³ Ebenezer Allen, the Secretary of State, was strongly in favor of independence. Some two months before in a letter to William Kennedy, the British consul at Galveston, he had said, "You are well aware of the fact that I have from the beginning been decidedly opposed to the Annexation of Texas to the United States. It is my first object to defeat, if possible, the consummation of this most obnoxious measure, so decidedly hostile, as I conceive it to be, and fraught with such evil consequences to the ultimate prosperity and high destiny of this Country. If I am successful in the accomplishment of this great result, I shall consider it the proudest period of my life."¹⁴

Although Donelson knew that Allen opposed annexation, he promptly presented his credentials, and the correspondence between Shannon and the Mexican government pertaining to the renewal of war upon Texas by Mexico. Donelson assured Allen that President Tyler had omitted nothing within his constitutional power to "guard the interests of Texas from injury," and that since the recent election of Polk had shown the strength of the annexationists, in no event could Mexico induce the United States to abandon annexation, for it was of "mutual, equal, and vital benefit and safety to both Republics."¹⁵ However, he added, that while the states of the union were exposing themselves to Mexican hostilities by their faithfulness to Texas, the executive would expect Texas to "maintain her connection with the cause of annexation, so far at least as not to consider it lost or abandoned, on account of the late action of the Senate." In reply to this, President Jones instructed Allen to give assurance to Donelson that the existing relations between the Republics, so far as the subject of annexation was concerned, would not be affected by any opposing or unfavorable action on the part of the executive, but that the result might depend upon causes over which he could

¹³*Senate Journal*, 9th Texas Cong., 34; *House Journal*, 9th Texas Cong. 26-30.

¹⁴Kennedy to Aberdeen September 9, 1844. Adams, *British Correspondence Concerning Texas*, 363.

¹⁵Donelson to Allen, December 10, 1844. *Senate Journal*, 9th Texas Cong., 191-195.

exercise no control, as the "strength and ardor" in favor of the measure had been decreased by its delay and apparent defeat.¹⁶

Confiding in Allen's promise that nothing unfavorable to the cause of annexation would be done by the executive, Donelson left Galveston for the United States, December 24, 1844. On the same day, Captain Charles Elliot, the British chargé, wrote Aberdeen, the British secretary for foreign affairs, that Donelson had exercised a great influence upon the people of Texas, that he had exerted strenuous efforts to keep them from agreeing upon any settlement offered by the British and the French, but that he had tried more to break up any other agreement than to bring about annexation.¹⁷

When Donelson, upon arriving at New Orleans, was informed that Calhoun had sent him a dispatch on a new steamer, the *McKim*, which was making an experimental trip to Galveston, he felt obliged to return immediately to Galveston. However, before leaving New Orleans, he wrote Calhoun:

Let us get annexation on any terms we can, taking care not to have anything in form or substance that would render doubtful its ratification by Texas. The battle about slavery, boundary east of the Nueces, and the number of states, will come up in the Constitution to be hereafter formed by the people of Texas, when there will be no danger of loss of the Territory from British intrigue or other causes.

If you are not able to carry annexation by the vote of the present Congress, I shall despair of the cause, not seeing a certainty of much increase of the strength in the next Congress unless it can be secured by a judicious arrangement of the Cabinet. This should be paramount with Mr. Polk who must of course feel himself instructed to omit nothing that can secure immediate annexation.

Referring to the recent elections in the United States, I have said to Texas that the measure was destined to a speedy consummation, and she has said in reply that she would throw no impediment in the way. This gives us the benefit of a trial in Polk's administration, and is so understood by Texas, but I endeavored to give the phraseology such a turn as to convey the idea also that I relied on the present Congress. It seemed to me that I ought

¹⁶Allen to Donelson, December 13, 1844. *Senate Journal*, 9th Texas Cong., 195.

¹⁷Elliot to Aberdeen, December 31, 1844. Adams, *British Correspondence Concerning Texas*, 291.

to risk something to secure the measure to Mr. Tyler's administration.¹⁸

When the United States Congress met in December, 1844, a contest immediately arose over annexation, as George McDuffie introduced a joint resolution which embodied the provisions of the rejected treaty; namely, that Texas should be annexed as a territory, that her citizens should be "incorporated into the Union," that she should be admitted as a state as soon as was consistent with the principles of the federal constitution, that Texas should surrender her public lands, and that the United States should assume the Texan indebtedness to an amount not exceeding ten million dollars.¹⁹ Since Benton of Missouri objected to the terms of this resolution, he introduced a bill on the following day, the substance of which was that the boundaries of Texas should not include the territory in dispute, that slavery should be prohibited in about half of the territory, and that the assent of Mexico should be obtained. Donelson knew that the Texans would never accept these terms, and wrote Benton while he was at New Orleans exhorting him to modify his course, and not to urge his plan of annexation, which was injuring "his friends and his country," but to accept the measures suggested by Houston. This expostulation doubtless had weight with Benton, for on February 5, he introduced a new bill without any specified terms of annexation.²⁰

Duff Green, who had been such a willing instrument for annexation under Upshur, was sent to Galveston in September, 1844, as consul with a further duty as bearer of dispatches to Mexico. During Donelson's absence, Green attempted to have the Texan Congress pass a bill in aid of two land companies, the Texas Land Company and the Del Norte Company. These companies had as objects the conquest and the occupancy in behalf of Texas of the Californias and the northern provinces of Mexico by means of a Texas army aided by Indians introduced from the United States. Green offered stock in these companies to President Jones if he would aid in the scheme. Upon Jones's refusal, Green threatened to revolutionize the country and overthrow the existing gov-

¹⁸Donelson to Calhoun, December 25, 1844. Jameson, *Correspondence of John C. Calhoun*, 1012.

¹⁹*Journal of the Senate*, 28th Cong., 1 Sess., I, 10.

²⁰Donelson to Calhoun, December 26, 1844. Jameson, *Correspondence of John C. Calhoun*, 1011.

ernment. On December 30, President Jones's cabinet voted that Green be given "a passport out of the limits of the Republic."²¹ Thereupon, President Jones revoked Green's *exequatur* by proclamation. Since the President wished to retain the good will of the United States, he instructed Allen to express to Donelson his desire "to preserve and promote the mutual relations of concord and friendship which subsist between the two governments and the harmony which characterizes the intercourse of the two nations."²² In reply to this letter, Donelson assured Allen that the complaint rested on causes which, "much as they are to be regretted, do not interrupt the friendly relations between the two countries."²³ At the same time Donelson wrote Green and inclosed Allen's letter. In reply Green said, "Nothing was farther from my intention than to offer the slightest disrespect to the President, or to resort to any improper measure to interfere in the conscientious discharge of his public duty."²⁴ Donelson promptly informed Allen of the voluntary disclaimer on the part of Green, and requested that the personal imputations on his character should be withdrawn, and that friendly relations should be restored.²⁵ President Jones accepted the disclaimer, and expressed to Donelson an appreciation of his motives, which induced him to become the medium of explanation for Green.²⁶

As the Texan Congress, which had been in session since December 2, 1844, decided that, in the event of annexation, the least that could be done, consistently with the administration and preservation of the government would be best, it adjourned February 3, and left the subject in the hands of President Jones. Donelson believing that President Polk would remove all difficulties, and that Congress would adopt a plan of annexation, urged President

²¹Officers of the Government to Jones, December 30, 1844. Jones, *Memoranda and Official Correspondence of the Republic of Texas*, 412.

²²Allen to Donelson, January 4, 1845. Texan Diplomatic Correspondence, MS. Texas State Library.

²³Donelson to Allen, January 6, 1845. Texan Diplomatic Correspondence, MS. Texas State Library.

²⁴Green to Donelson, January 20, 1845. Texan Diplomatic Correspondence, MS. Texas State Library.

²⁵Donelson to Allen, January 20, 1845. Texan Diplomatic Correspondence, MS. Texas State Library.

²⁶Allen to Donelson, January 21, 1845. Texan Diplomatic Correspondence, MS. Texas State Library.

Jones to hold himself in readiness to call Congress in a special session.²⁷

When Donelson thought that nothing more could be accomplished toward annexation until Congress had taken action, he decided to visit the United States. He was determined, however, that no influence should remain inoperative which might confirm the attachment of the people to annexation. With this purpose in view, he left for publication a letter which he had just received from Jackson.²⁸

3. *Passage of Joint Resolution by United States Congress*

As a basis for the annexation of Texas, President Tyler in his annual message of December, 1844, recommended that Congress adopt the rejected treaty "in the form of a joint resolution, or act, "to be perfected and made binding on the two countries, when adopted in like manner by the government of Texas."²⁹ Thereupon a contest immediately arose over the form of annexation. Within a week after the session began, C. J. Ingersoll in the House and George McDuffie in the Senate, at the suggestion of President Tyler, introduced the terms of the treaty in the form of a joint resolution. However, because of the strong opposition, especially in the Senate, Congress did not adopt the resolution until February 28, 1845:

1. Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled.—That Congress doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of the said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

2. And be it further resolved,—That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:—First, Said State to be formed, subject to the adjustment by this Government of all questions of

²⁷Donelson to Jones, January 23, 1845. Jones, *Memoranda and Official Correspondence of the Republic of Texas*, 418.

²⁸Donelson to Calhoun, January 27, 1845. Jameson, *Correspondence of John C. Calhoun*, 1021.

²⁹Richardson, *Messages and Papers of the Presidents*, IV, 379.

boundary that may arise with other Governments; and the Constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six. Second, Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence, belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to, or be due and owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. Third, New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission, under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees, thirty minutes north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union, with or without slavery, as the people of each State, asking admission, may desire. And in such States as shall be formed out of said territory, north of said Missouri Compromise line, slavery, or involuntary servitude (except for crime) shall be prohibited.

3. And be it further resolved,—That if the President of the United States shall in his judgement and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that republic—then, Be it resolved,—That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the Governments of Texas and the United States; and that the sum of one hundred thousand dollars be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by

treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct."²

Because of the bitter fight in the Senate, the joint resolution, as we see, consisted of two parts: the one, embraced in the first and second sections, the original House resolution; the other, the third section, the amendment passed by the Senate and concurred in by the House, authorizing the President to use his discretion in proposing to Texas a new negotiation.³

After deliberately considering the joint resolution and the amendment, President Tyler chose the House resolution, as it could be "more readily and with less difficulty and expense carried into effect." His decisive objection to the amendment was that "it must be submitted to the Senate for approval, and run the hazard of receiving the votes of two-thirds of the members present, which could hardly be expected, if we are to judge from recent experience."⁴

As the joint resolution reached President Tyler just three days before the expiration of his term of office, he was severely criticised for not leaving Polk free to select the method he considered best. In order to justify his action, Tyler said, "I deem it quite important that the facts which transpired during the last three or four days of my administration, relating to the annexation of Texas, should be preserved in authentic form." With this in view, he had his cabinet members endorse this statement:

The resolutions reached me, and received my approval, on the 1st day of March, 1845. Mr. Calhoun called on me . . . the same day. He remarked that the power to make the selection between the alternative resolutions rested on me and he hoped that I would not hesitate to act. I replied that I entertained no doubt in the matter of the selection: that I regarded the resolution which had been moved and adopted by the Senate, by way of amendment to the House resolution, as designed merely to appease the discontent of some one or two members of that body, and for no other purpose; and that my only doubt of the propriety of immediate action arose from a feeling of delicacy to my successor. We both regarded the opening of a new negotiation, as proposed by the

²Crallé, *Reports and Public Letters of John C. Calhoun*, V, 395; *Congressional Globe*, 28th Cong., 2 Sess., 358-362.

³Tyler, *Letters and Times of the Tylers*, II, 362.

⁴Calhoun to Donelson, March 3, 1845. Crallé, *Reports and Public Letters of John C. Calhoun*, V, 393; 29th Cong., 1 Sess., *House Exec. Doc.* No. 2; pp. 125-127.

Senate resolution, as destined to defeat annexation altogether. . . . Mr. Calhoun urged the necessity of immediate action. . . . It was enough that Congress had given me the power to act by the terms of the resolutions, and that the urgency of the case was imminent. . . . The conversation terminated by my requesting him to call the cabinet the next day.

. . . . The whole cabinet assembled: every member gave a decided preference for the House resolution over the Senate amendment. . . . All concurred in the necessity for immediate action. I suggested that Mr. Calhoun should wait on Mr. Polk, inform him of my action on the subject, and explain to him the reasons thereof. The suggestion was fully approved. . . . Mr. Calhoun waited on Mr. Polk . . . but he declined to express any opinion or to make any suggestion in reference to the subject.⁵

4. *Donelson's Instructions Concerning the Joint Resolution*

Since it could scarcely be doubted that the English would use every effort to "induce Texas to reject the terms proposed," Calhoun instructed Donelson to "proceed at once to Texas" and "urge speedy and prompt action."⁶ In order to avoid delay, President Tyler dispatched the joint resolution and the instructions to Donelson by a special messenger, Floyd Waggaman.⁷

This haste, however, did not expedite action, as President Polk, a few days after his inauguration on March 4, sent a private letter to Donelson advising him not to act on Calhoun's orders until further instructed.⁸ As President Polk wished the advice of his cabinet, he did not take any action until it met, March 10. At this meeting, James Buchanan, the Secretary of State, read aloud Calhoun's dispatch of March 3, and every member of the cabinet concurred without hesitation in preferring the original House resolution offering annexation by joint resolution rather than the Senate's proposal of a new treaty. Thereupon, Buchanan prepared instructions for Donelson confirming Tyler's choice, which he gave to Governor Yell, who was on the point of leaving for New Orleans, for delivery. In compliance with President Polk's

⁵Tyler, *Letters and Times of the Tylers*, II, 364-365.

⁶Calhoun to Donelson, March 3, 1845. Crallé, *Reports and Letters of John C. Calhoun*, V, 393-395; 29th Cong., 1 Sess., *House Exec. Doc. No. 2*, 125-127.

⁷*Niles' National Register*, LXVIII, 16.

⁸Polk to Donelson, March 7, 1845. *Tennessee Historical Magazine*, III, 62.

request, Buchanan directed Donelson to employ all his ability and energy to induce Texas to accept the joint resolution "without qualifications."⁹ With these instructions, Buchanan enclosed a note which J. N. Almonte, the Mexican minister to the United States had addressed to Calhoun, protesting against the annexation of Texas and announcing his intention to withdraw from the United States.¹⁰ To this Buchanan replied that the admission of Texas was "irrevocably decided, so far as the United States is concerned," and nothing but the refusal of Texas to ratify the terms and conditions on which her admission depends, can defeat this object. It is, therefore, too late at present to reopen a discussion."¹¹

As Donelson had waited at New Orleans for his instructions, Governor Yell upon his arrival, March 24, promptly delivered them, and in the afternoon Donelson sailed for Texas on the *Marmora*.

5. *Efforts of the French and English to Defeat Annexation*

On arriving at Galveston, Donelson was informed that the English and French ministers, Captain Charles Elliot and Comte de Saligny, after receiving dispatches by an English man-of-war from their respective governments, had hastily set out for Washington, Texas. Moreover, the public believed that the ministers had been instructed to guarantee the recognition of the independence of Texas by Mexico and other favorable propositions in the form of commercial advantages, if Texas would refuse to accept the American propositions. Donelson was, therefore, very anxious to reach Washington as soon as the other gentlemen; accordingly, he chartered a steamer and "put off after them."¹²

The following letter from Ashbel Smith, the Texas chargé in London, to Anson Jones, shows that the English and French had actively opposed the annexation of Texas since the Senate had rejected the treaty, June 8, 1844:

I have had an interview to-day with Lord Aberdeen, at his request, concerning the relations of Texas and chiefly in relation to

⁹Buchanan to Donelson, March 10, 1845. *Senate Doc. No. 1, 29th Cong., 1 Sess.*, 35-38.

¹⁰Almonte to Calhoun, March 10, 1845. *Ibid.*, 38-39.

¹¹Buchanan to Almonte, March 10, 1845. *Ibid.*, 39.

¹²Donelson to Buchanan, March 24, and March 28. *Ibid.*, 46.

the negotiations at Washington in the United States for annexation. . . .

Lord Aberdeen observed that Her Britannic Majesty's Government and that of France had communicated with each other touching the "annexation"—that entire harmony of opinions exists, and that they will act in concert in relation to it:—That though the rejection of the annexation treaty by the American Senate was regarded as nearly or quite certain, that nothing would be done by these governments until the American Congress shall have finally disposed of the subject for the present session. He stated that then the British and French governments would be willing, if Texas desired to remain independent, to settle the whole matter by a diplomatic act; this diplomatic act, in which Texas would of course participate, would insure peace, settle boundaries between Texas and Mexico, and guarantee the separate independence of Texas. . . .

Lord Aberdeen did not use the word treaty, but employed the phrase *diplomatic act*. It would have all the obligations of a treaty, and would of course be perpetual. . . .

Such an act would : . . . give to the European Governments, parties to it, a perfect right to forbid, for all time to come, the annexation of Texas to the United States. . . .¹³

President Houston, on being informed of this proposition, September 25, 1844, instructed Jones to send a dispatch to Smith authorizing him to "complete the *proposed* arrangements for the settlement of our Mexican difficulties as soon as possible."¹⁴ Jones, however, as president-elect, refused to "obey" Houston's "order," for, according to his indorsement of the instructions, he thought that it would defeat annexation altogether or lead to war between Europe and America, that it would produce disturbances and revolutions in Texas, and that it would make it difficult, if not impossible, for him to administer the government successfully.¹⁵ Smith, however, said that Jones disobeyed the order of President Houston because he desired to make the "diplomatic act" the prominent measure of his own administration, and, judging from the course pursued by him after he became president, this seems to have been his real motive. On Smith's return from Europe, December, 1844, President Jones said to him: "It hardly

¹³Smith to Jones, June 24, 1844. Jones, *Letters Relating to the History of Annexation*, 19.

¹⁴Houston to Jones, September 25, 1844. Jones, *Letters Relating to the History of Annexation*, 20.

¹⁵Jones, *Letters Relating to the Annexation of Texas*, 10.

seemed fair to deprive you of the honor of negotiating a treaty in London, but the negotiations shall take place here, and you as Secretary of State shall conduct them for Texas."¹⁶ Accordingly, December, 1844, he requested Elliot, the English minister to Texas, to have the British government transmit to him the proposals of the "diplomatic act" "duly prepared for execution," but before this request reached London, France had withdrawn its consent to participate in such an agreement.¹⁷

From this time, nevertheless, the British and French cabinets pursued more vigorously their efforts to prevent annexation by procuring peace for Texas. They urged Mexico "by every available argument, and in every practical manner, to recognize without delay the independence of Texas, as the only rational course to be taken for securing the real interests of Mexico, to which country the annexation of Texas to the United States would be ruinous."¹⁸ Moreover, their agents in Texas had worked very energetically to arouse public opinion against annexation. On February 8, 1845, the *Texas National Register* (Washington), the official organ of the government, announced that England and France were willing to enter into commercial treaties with Texas on "the most liberal footing," if Texas would remain independent, and that Texas would soon have an opportunity to choose between recognition by Mexico and a longer period of suspense on the mere chance of being annexed by the United States. Of still greater significance was this excerpt from a letter attributed to "a gentleman of high position in Europe," which appeared in the next edition of this paper:

Lord Aberdeen, although he will do nothing that can justly give offense to the United States, is still decided to take such measures as will bring about peace between Texas and Mexico: provided the former will give satisfactory assurance of her determination to remain independent.

The British government has enjoined on Mexico, in the most earnest and explicit terms to abstain from any attempt to invade Texas, and they have assured that country that they would afford it no aid or countenance at all in case of such attempted invasion, whatever might be its result or consequences.

¹⁶Smith, *Reminiscences of the Republic of Texas*, 64-65.

¹⁷Elliot to Aberdeen, December 21, 1844. Adams, *British Correspondence Concerning Texas*, 395.

¹⁸Aberdeen to Elliot, December 31, 1844. Adams, *British Correspondence Concerning Texas*, 404.

Furthermore, when the House on January 23, 1845, had passed the joint resolution for the admission of Texas, Elliot had urged Texas for these reasons not to accept these terms if offered as a basis for the admission of Texas: (1) That they were too one-sided as to advantages and little short of insulting to Texas as to language; (2) that the expense of a state government would be as much as that of the present republican form, while all the duties collected would go into the United States treasury; (3) that the United States did not assume the debts; (4) that it was out of the question, since they had to pay the debts by the sale of land, to concede to the United States the right of negotiating away their land, or even to enter into any annexation arrangement unless the integrity of their present limits was effectually guaranteed.

On receiving the joint instructions of Great Britain and France, March 24, 1845, Elliot and Saligny decided to act with energy and vigor to prevent annexation. Accordingly, on the next morning they left Galveston for Washington, as they were very anxious to arrive in advance of authoritative news from the United States that Congress had passed the joint resolution. Moreover, they expected Donelson every hour to arrive at Galveston commissioned to conclude annexation with as much speed as possible.¹⁹

On arriving at Washington, Elliot and Saligny formally invited President Jones, on behalf of his government, to accept the good offices of France and England with a view to an early and honorable settlement with Mexico upon the basis of independence. After a conference with his cabinet, President Jones instructed Ashbel Smith, the Secretary of State, to accept this intervention. Accordingly Smith prepared a draft preliminary to a treaty of peace between Texas and Mexico: (1) that Mexico should consent to acknowledge the independence of Texas; (2) that limits and other conditions should be arranged in the final treaty; (3) that Texas should be willing to submit disputed points respecting territory and other matters to the arbitration of umpires. Furthermore, that Texas should pledge herself to issue a proclamation announcing the conclusion of the preliminaries of peace with Mexico as soon as Mexico accepted the conditions and returned them to the President of Texas, and that she should agree "not

¹⁹Elliot to Aberdeen, April 2, 1845. Adams, *British Correspondence Concerning Texas*, 462.

to accept any proposals, or to enter into any negotiations to annex herself to any other country" for a period of ninety days from the date of this memorandum. After a personal pledge on the part of Saligny and Elliot that only the courts of London and Paris, their ministers at Washington, and the Mexican government should know of the agreement, Smith, Elliot, and Saligny signed the document. Thereupon, Elliot offered to make a secret journey to Mexico, in order to secure an exact conformity to the preliminary arrangements. Under a pretext of a journey to Charleston, South Carolina, he left Texas on the *Electra*, and when out of sight of land, was transferred to another British ship bound for Vera Cruz.²⁰

While at Washington Elliot and Saligny had insisted that Texas have a representative at the courts of France and England with full powers to conclude any arrangement that might be necessary for the safety of the country. They said that they would consider it as striking proof of the "good disposition of this Government at this crisis, if His Excellency would send back his present Secretary of State, who was known and highly appreciated" both in London and Paris, and, therefore, could be of the "highest use." President Jones complied with their request and appointed Smith to this office. At the request of his cabinet he appointed E. Allen, "a man of excellent sense, high character, and of the best disposition in this matter," to succeed Smith, as Secretary of State, as he knew that it would require a person like Smith with "the utmost firmness and caution," to manage affairs with success.²¹

6. *The Convening of the Texan Congress*

When Donelson arrived at Washington, Texas, March 30, he could find out nothing concerning the mission of Elliot and Saligny. He wrote Buchanan that they remained in the capital but one day, and "if they made a communication to this government, in relation to the question of annexation, it is a secret between them and the President." On the afternoon of his arrival, he called upon Ashbel Smith and presented the substance of the

²⁰Elliot to Aberdeen, March 30, 1845. Adams, *British Correspondence Concerning Texas*, 462-473.

²¹Elliot to Aberdeen, April 2, 1845. Adams, *British Correspondence Concerning Texas*, 467-468.

American proposition for the admission of Texas, but he seemed unprepared as to the course the President would pursue. So Donelson, thereupon, presented himself to President Jones, who informed him that he had granted Smith a leave of absence, and that he had appointed E. Allen to carry on the negotiations. During the interview the President said that he had intended to call Congress, but, under the circumstances, as now presented, he believed that a better course would be to refer the subject directly to the people, and let them provide for a convention to effect the changes necessary for admission into the Union. He added, however, "that the gravity of the subject required him not to act in haste; and that, though he had a decided opinion of his own, he would dwell awhile on it, until he was aided by his cabinet." Donelson, in conversation with Allen later in the day, found that he too opposed the convening of Congress, as it was his opinion that the executive department could deal with the matter as well as the legislative, since the whole question was extra-constitutional. Donelson disagreed with Allen as to the power of the executive to act independently of Congress, as the joint resolution provided that the "assent of the existing government of Texas" should be obtained before the resolutions could go into effect. Donelson thought that the term "assent of the existing government" implied the assent of both the executive and the legislative departments, so he accordingly urged the President to call Congress at an early date and to work in concert with it in whatever steps might be taken.²²

In public estimation the government of Texas had not responded with sufficient promptness to the overtures of the American government; so, while Donelson was wrestling with this great measure in a diplomatic way, enthusiastic annexation meetings were held throughout Texas, and county after county endorsed the terms offered by the United States, and demanded prompt action either by Congress or by a convention.²³ In a mass meeting at Brenham, April 11, the people declared unanimously for annexation, and recommended that all the counties elect representatives to a convention to ratify the joint resolution and form a state con-

²²Donelson to Buchanan, April 1, 1845. *Senate Doc. No. 1*, 29th Cong., 1 Sess., 47-48.

²³*Niles' National Register* (Baltimore), LXVII, 146; Lubbock, *Six Decades in Texas*, 165-169.

stitution, if President Jones did not convene Congress on or before the fourth Monday in June.²⁴ The Brazoria annexation meeting, April 14, was also indicative of the great anxiety of the people to act definitely and promptly. The chairman, Timothy Pilsbury, explained the object of the meeting, and appointed a committee to draft resolutions. While this was in retirement, Tod Robinson addressed the meeting. After this the committee reported the resolutions, which were unanimously adopted. These expressed a desire for immediate annexation, with or without the consent of the Jones administration. They instructed their members of Congress to meet at Washington the third Monday in May and assume conventional powers, and, acting with the members of other counties, to call a convention and apportion the representation according to population so as to represent "the people and not acres." There was, also, a committee appointed to prepare an "Address to the People" calling upon them to meet and to insist upon the President's convening Congress. Guy M. Bryan carried a copy of the proceedings to James Love at Galveston, and a mass meeting in that city a few days later strongly indorsed the action of Brazoria.²⁵ The meeting at Houston on the ninth anniversary of the battle of San Jacinto showed the attitude of a majority of the Texans toward the Americans. They expressed their willingness to enter the American Union on the basis of the terms offered, and declared their "full confidence in the honor and justice of the American people" and their belief that the people of the United States would ultimately extend to them "every privilege that freemen can grant without dishonor and freemen can accept without disgrace."²⁶ The news of the American proposal spread like "wild fire" throughout the Republic so that by April 12, almost every county in the Republic had held a public demonstration or had set a day for one. These were almost unanimous in their demands for prompt action, and the papers contained little else than accounts of these enthusiastic annexation meetings.²⁷

This excerpt from Ashbel Smith's letter to Jones as he was

²⁴*Telegraph and Texas Register* (Houston), April 23, 1845; *Texas National Register* (Washington), April 17, 1845.

²⁵Lubbock, *Six Decades in Texas*, 166-167; *Texas National Register*, May 1, 1845.

²⁶Lubbock, *Six Decades in Texas*, 164-165.

²⁷*The Red Lander* (San Augustine), April 26, 1845.

leaving Galveston as minister to England and France, April 9, is further evidence of the excitement about annexation:

. . . I find everywhere very great, very intense feeling on the subject of annexation. . . . I am forced to believe that an immense majority of the citizens are in favor of annexation—that is, annexation as presented in the resolutions of the American Congress—and that they will continue to be so, in preference to independence, though recognized in the most liberal manner by Mexico. The tranquility at present arises from the confidence in your favorable dispositions towards annexation, and the assurance that you will soon present the matter in some definite form to the country, so as to enable the people to vote in favor of it. This I know is your purpose; but should a suspicion to the contrary arise, and should it be suspected that the matter was to be deferred till the European powers could in any wise be heard from or be consulted, especially England, I am certainly informed that an attempt will be made to convene a convention, by calling on the people in public meetings, for the purpose of overriding the Government,—in other words, an attempt will be made to plunge the country into a revolution. The plan has been matured in Harris, Brazoria, and Galveston counties. . . . When it is known that I am going to Europe, as it will be when I sail from the United States, I feel convinced that public opinion will be inflamed beyond control. . . . Invitations will issue from meetings claiming to represent the popular will, urging the people to meet without delay and elect delegates to a convention, for the purpose of exercising all the powers of government. . . .

On looking over what I have written, I see that I have understated rather than overstated the feeling on this subject and the importance that will be attached to my mission when known. I am sure its tendency will be to prevent the dispassionate consideration by the people of grave matter about to be submitted to them; and I am really apprehensive that an attempt may be made to subvert our institutions. . . .

Should you deem it best to delay my sailing for a short time, or to suspend my mission wholly and to consider my journey a private one, or to proceed without delay to my post, I shall act accordingly, and in all cases I shall faithfully attend to the affairs of my country. . . .²⁸

As the people had so unanimously expressed a desire for prompt action on the American proposal, and as Donelson had met with little encouragement at Washington, he decided to go to Huntsville for a conference with Houston, whom he found strongly op-

²⁸Smith to Jones, April 9, 1845. Jones, *Memoranda and Official Correspondence of the Republic of Texas*, 446-448.

posed to the joint resolution, but in favor of the negotiations contemplated in the Senate amendment. Donelson tried to satisfy him, but he still insisted upon opening negotiations, feeling that "Texas should have something to say about the matter," which would be impracticable with the resolutions. He further added that if Texas should accept the resolution, this would be impossible, for "the terms are dictated and the conditions absolute," while by the Senate amendment "the terms could be arranged by negotiation, and, if accepted by the people at the annual election in September, Congress could then take the necessary action." In fact, Houston showed so strongly his disapproval of the resolution that Donelson said the "ex-president brought all his influence to bear against our proposal and in favor of resorting to the negotiations contemplated by the Senate amendment."²⁹

Though Donelson was never able to concur in the opinion that annexation could be best effected by the negotiations in accord with the Senate amendment, yet the next day Houston wrote him that for the sake of human liberty, for the sake of the future tranquillity of the United States, and for the welfare of Texas, "whose interests, prosperity, and happiness are near to my heart and are cherished by me above every political consideration, I conjure you to use your influence in having presented to this government the alternative suggested by the amendment to Mr. Brown's bill, so that commissioners can act in conjunction upon the points which it may be proper to arrange between the two countries before it is too late, and while there is a remedy, . . . that Texas can exercise some choice as to the conditions of her entry into the Union."

As a substitute for the terms of the joint resolution Houston suggested: (1) that the United States should receive and pay a liberal price for the public property; (2) that Texas should retain her public lands; (3) that the United States should indemnify the citizens of Texas for any lands in territory abandoned by the United States; (4) that arrangements should be made for the United States to purchase the vacant lands of Texas at a price stipulated by commissioners; (5) that lands purchased by the United States should not be sold to any Indian tribe, nor should Indians be permitted to settle within the present limits of Texas

²⁹Donelson to Calhoun, April 24, 1845. Jameson, *Correspondence of John C. Calhoun*, 1029-1032.

without the consent of the Senate of Texas; (6) that Texas should pay its national debt; (7) that the United States should pay the Texas citizens for lands within its boundary lines; and (8) that Texas should not form a part of the Union until her Constitution was accepted by the Congress of the United States.³⁰

Houston's objections to the joint resolution did not deter Donelson from presenting them on April 12, 1845,³¹ formally and finally with these comments:

If Texas now accepts these proposals, from that moment she becomes virtually a state of the Union, because the faith of the United States is pledged for her admission, and the act of Congress necessary to redeem the pledge is obliged to follow as soon as she presents a republican form of government. All then that is necessary upon this basis is for this government, after expressing its assent to the proposals submitted to it, to call a convention of the people to clothe their deputies with the power to amend their constitution and to adapt the government created by it to the new circumstances under which it will be placed by annexation to the Union. . . .

On the ground . . . of more directness and simplicity in the process, whereby time and much expenditure of money will be saved, and of the entire avoidance of all further risks resulting from possible differences attending efforts to obtain terms more suitable to the separate views of the respective governments, it has been thought best by the President of the United States to rest the question of the joint resolution, as it came from the House of Representatives, which contains propositions, complete and ample, as an overture to Texas, and which, if adopted by her, will place the reunion of the two countries beyond the possibility of defeat.

This great question, then is in the hands of Texas . . . and is submitted with the hope that this government will see the necessity of prompt and decisive action.³²

Since the people had made known their desire to President Jones in a way too plain to be misunderstood, he became convinced that the only safe thing for him to do was to call Congress

³⁰Houston to Donelson, April 9, 1845. Lubbock, *Six Decades in Texas*, 160-161.

³¹On April 1, Donelson handed to President Jones for examination the joint resolution and a note which he had written March 31, but he did not present them formally to the Secretary of State until April 12. Jones, *Letters Relating to the Annexation of Texas*, 14.

³²Donelson to Allen, March 31, 1845. *Senate Doc. No. 1*, 29th Cong., 1 Sess., 48-50; *Telegraph and Texas Register*, June 25, 1845.

in session. Therefore, in an interview with Donelson on April 12, he assured him that "regardless of his individual opinion," he would submit the proposition "fairly and promptly" to Congress,³³ so that Congress could apportion the districts for the election of the deputies to a convention to test the ratification of the proposals, and to make the corresponding changes in the government."³⁴ On the same day Allen replied to Donelson's note of March 31, saying that by the "organic law" of the Republic of Texas, the President did not have the power to accept or reject the terms offered, but that at an early date, he would convene Congress and present for consideration the joint resolution and the note transmitted with it.³⁵ Accordingly, on April 15, President Jones issued a proclamation calling a special session of Congress to meet at Washington, June 16, to "receive such communications as may be made to them, and to consult and determine on such measures as in their wisdom may be deemed necessary for the welfare of Texas."³⁶

President Jones caused much dissatisfaction by delaying the convening of Congress until June 16, as the people generally believed that he was waiting for the English and French to have an opportunity to defeat annexation by forcing Mexico to recognize the independence of Texas. However, Jones justified his action on the grounds that the delay was unavoidable, as the members could not have assembled earlier because of the water courses throughout the country having overflowed, and that, furthermore, Donelson had requested him to appoint this date so that in the meantime he could visit the United States.³⁷

W. D. Miller, the editor of the *Texas National Register* (Washington), in an editorial on April 24, said:

. . . The President of our Republic, in convoking Congress in extra session on the 16th of June next, shows that he is animated by a high sense of public duty and has a faithful regard for the will of the people of Texas. No one can doubt that a large majority of our citizens are anxious for annexation, and

³³Jones, *Letters Relating to the History of Annexation*, 15.

³⁴Donelson to Buchanan, April 12, 1845. *Senate Doc.* No. 1, 29th Cong., 1 Sess., 52.

³⁵Allen to Donelson, April 14, 1845. *Ibid.*, 53.

³⁶*Proclamation by the President of Texas*, April 15, 1845. MS. Proclamations of the Republic of Texas, State Library.

³⁷Jones, *Letters Relating to the History of Annexation*, 14.

will accept and ratify the terms proposed for this purpose. The President, therefore, interposing no constitutional obstacle to the fulfilment of their wishes, leaves the question to their calm, peaceful, and enlightened action. Congress, doubtless, will recommend the call of a Convention, after apportioning the districts for the election of the delegates, whose duty it will be to adapt our Constitution and Government to the new circumstances under which we shall be placed as an equal member of the American Union.³⁸

In a letter to Aberdeen, April 25, however, William Kennedy, the British Consul at Galveston, said that it was not a "faithful regard for the will of the people of Texas," but "fear of the people" which prompted President Jones to convene Congress.³⁹

A few days after President Jones summoned Congress, Donelson left for New Orleans. Polk, however, wrote him on May 6, to be at the seat of government when the Texan Congress should meet, and to insist upon immediate action upon the proposals just as they had been submitted, for he felt sure that the British minister would "interpose every obstacle and hold out every inducement to gain time," with a view of defeating the object which they have so much at heart.⁴⁰ In compliance with President Polk's request, Donelson returned from New Orleans to Texas the last of May with a strong determination to put forth every effort to complete the great measure of annexation.⁴¹

7. *The Calling of the Convention*

As one of the conditions of the joint resolution for the admission of Texas was that Texas might be erected into a new state, to be called the state of Texas, with a republican form of government, to be adopted by the people in convention assembled, the ultra friends of annexation were not content with the call of Congress, but clamored for a convention, since Congress could not apportion the representation or form a new constitution. However, there was a great diversity of opinion relative to the calling of the convention. Some of the counties desired to meet in primary assemblies and elect their delegates to a convention previous to the meeting of Congress; others desired that Congress

³⁸*Texas National Register*, April 24, 1845.

³⁹Kennedy to Aberdeen, April 25. Adams, *British Correspondence Concerning Texas*, 479.

⁴⁰Polk to Donelson, May 6, 1845. *Tennessee Historical Magazine*, III, 64.

⁴¹*Texas National Register*, July 9, 1845.

should assemble in May, apportion the representation according to population, and designate the day for the convention; while others preferred that the President should apportion the representation and call a convention. This diversity of opinion threatened to lead to serious difficulties, and the enemies of annexation began to predict that a firebrand would be thrown into Congress as soon as it met and that a contest would begin immediately between the eastern and the western members over representation in the convention.

This disagreement over representation was due to the fact that the general convention at Washington in March, 1836, had designated the membership in Congress before Santa Anna invaded and depopulated the western counties with the result that this section of the Republic, with only about one-third of the whole population, had in Congress a majority over the other two-thirds. Nevertheless, it had been impossible to correct these inequalities, as the constitution forbade a reapportionment of the representatives until a census was taken, which so far the western members had been able to prevent. The West claimed that the present basis was fair and just, as this region had always borne the brunt of the war while its population had been decreased and immigration had been prevented by the Mexican invasion. Regardless of this fact, however, the other parts of the Republic were not satisfied with their representation, as "they had the burden of taxation to bear, while the West received all the benefits."⁴²

On January 29, 1845, Mr. Scurry, a member of the House from Red River, in discussing the bill for the enumeration of the inhabitants, said that the representation as it then existed tended to build up an aristocracy in the land, as well as an irresponsible government, for some of the members from the depopulated districts were responsible to no constituency at all. He added, furthermore, that "they legislate as they please, vote as they will, and support any measure regardless of the consequences to our country."⁴³

After President Jones issued the proclamation convening Congress, this question of representation became very acute as some of the most influential members of the West declared "that they now had the power in Congress, and would keep it in the State

⁴²Jones, *Letters Relating to the History of Annexation*, 16.

⁴³*Texas National Register* (Washington), April 17, 1845.

Government by apportioning the members of the Convention in such a manner as to perpetuate the old basis."⁴⁴

As this question of representation carried with it the location of the capital, the West was even more persistent in its demand that the basis then existing should be maintained in the convention, for it desired to make Austin the permanent capital. In March, 1842, the Mexicans invaded Texas and surprised and captured San Antonio, so that President Houston had convened Congress at Washington since October, 1842. There had been much contention over the location of the capital. Both houses of Congress had made numerous efforts to return the seat of government to Austin, while a strong but unsuccessful party had attempted to locate it permanently at Washington.⁴⁵ After President Jones issued the proclamation convening Congress, the East, North, and Middle sections offered as a compromise to let Austin remain the capital, if the apportionment of representatives could be made according to population, but as the West did not readily accept this arrangement, it was feared that the basis of representation could not be satisfactorily arranged by Congress.⁴⁶ Therefore, many of the advocates of annexation urged President Jones to call a convention and apportion the representation, subject to revision by the convention itself. When he did not comply with their request, indications of dissatisfaction, and even of revolution against the administration, were displayed in different sections of the country, as the annexationists thought that the President was merely waiting for the French and English to guarantee the independence of Texas on the condition that she should remain independent.

As a number of the President's friends suggested to Donelson, as he was leaving Texas for New Orleans, that it would be a judicious step for the President to issue a proclamation calling upon his own responsibility, a convention of the people for the purpose of hastening annexation, Donelson, on arriving at Galveston, April 29, sent him this letter:

Feeling that you might have some embarrassment on the subject in consequence of the intimation to me through Mr. Allen, that it was necessary to convoke Congress in order to have an

⁴⁴Jones, *Letters Relating to the History of Annexation*, 16.

⁴⁵Lubbock, *Six Decades in Texas*, 150.

⁴⁶Jones, *Letters Relating to the History of Annexation*, 16.

apportionment of the elective districts, I have taken the liberty to write this note, and to say to you that I trust you will not consider any declaration made to me as a reason for not adopting such suggestion, should it appear otherwise proper.

The great object is to give effect to the public will of Texas. . . . The call you have made of Congress might be confined to that feature of the proposals which anticipates the consent of the existing Government of Texas; while at the same time, the Convention might be in session framing the new Constitution.

The main difficulty, I suppose, in your mind would be the apportionment of the representation to the Convention, which is, considering the jealousy which exists between the eastern and western portions of the Republic, a heavy responsibility. But may not this responsibility be safely risked by you? Such a classification as you suggested to me, is doubtless near an approach to what would be adopted by Congress, if the duty of making it were left to that body; and it cannot be supposed the people would be less willing to come to an agreement. The whole proceeding is but recommendatory, inasmuch as it is extra-constitutional; and your action as well as that of Congress could no more than indicate a plan of the people, by which they could express their sovereign will with convenience and certainty. . . .

Should your proclamation, therefore, after stating the occasion for its being issued, recommend the people to elect delegates to a Convention, to meet on . . . day of June, and to choose one, two, three, or four members, as the case may be, . . . the Convention thus assembled to be the judge of the competency of its members, with the power to correct what they might decide unequal or unjust in the classification of the counties, it would seem to me that you might safely confide in the people themselves, and in the delegates to sustain you.

P. S.—As well as I remember, your classification was: One member for every county. One additional for every two hundred votes and less than five hundred. One additional for every five hundred and over. Perhaps an additional member to the two counties, Montgomery and Red River which have one thousand two hundred votes.⁴⁷

There was a general demand from the people that President Jones should call a convention, and by the first of May a number of the counties had instructed their senators and representatives to meet at Washington the third Monday in May and to assume conventional powers, and, acting in concert with the members of other counties, to call a convention and apportion the representa-

⁴⁷Donelson to Jones, April 29, 1845. Jones, *Memoranda and Official Correspondence of the Republic of Texas*, 453-455.

tion, with or without the consent of the existing government. Since one of the conditions of the joint resolution was, as we have seen, that the constitution formed by the convention should be adopted "with the consent of the existing government," it was exceedingly important that this revolt against the administration be checked. *The Houston Telegraph* of May 7, therefore, urged the President to call a convention to meet at the same time as Congress, and thus check the opposition to the existing government, for it said, "if we neglect one of the conditions proposed in the bill our enemies in the United States will organize and strain every nerve to shut us out of the Union."

As a further evidence of the demand for a convention these extracts are given from a letter written by E. Allen to President Jones from Galveston, May 4:

From the signs now exhibited, there can be no doubt but that the called session of Congress will be a stormy scene. The opponents of your Administration do not intend to place it in your power to appear as the friend of annexation. They care not whether they place you in a false or true position, so that they can add strength and popularity to their hostility to your Administration. . . .

Under such circumstances, it occurs most forcibly to my mind that a call of a convention, to be assembled under the advisory proclamation of the Executive, would not only neutralize and render harmless all the elements of opposition and defeat the machinations of your enemies, but would even place you in such a position that they themselves, however loath, would be bound to support you, and to sustain your course and administration. Mr. Donelson is greatly in favor of such a call,—so is Governor Yell: and the idea is universally satisfactory so far as I can learn and will be advocated by every paper in the country. Those who oppose it will be considered as opponents of annexation. I do not consider that the measure of annexation is to be hastened or materially affected by the assembly of a convention. That body will be superior to Congress: it will deliberate upon the state of the Republic: it will submit the overture to the people: it will probably frame a new constitution and proper provisions fit to become the organic law, whether annexation shall take place or not. . . . Finally, I doubt not but that the Convention thus assembled would provide effectually against revolution and take efficient measures for the continuance of the Government under the present Administration, until annexation shall be accomplished, and the consequent changes that follow in their course.

. . . The timely publication of your proclamation would

prevent certain members of Congress from becoming members of the Convention, at which, I, for one, should rejoice. . . . The suggested course will place you at the head of the nation, by position and concurrence of circumstances, as well as by election. . . . The armed, organized, disciplined opposition to your administration will be prostrated; and whether annexation finally occurred or not, your course will be applauded, and yourself sustained. . . .

P. S. I think that Congress, when assembled, in the absence of the call of a convention, will assume conventional powers, and appeal to the people to sanction their usurpation and adopt their acts. A wise, but bold and decisive course by the Executive at this crisis, in controlling the excitement, and turning the revolution, (for such it is) to the permanent benefit of the nation, is what I desire to see successfully accomplished.⁴⁸

Jones, however, did not receive Allen's letter until after he had issued the following proclamation:

Whereas the people of Texas have evinced a decided wish that prompt and definite action should be had upon the proposition for annexation recently submitted by the government of the United States to this government, and that a convention should be assembled for this purpose; and

Whereas it is competent for the people alone to decide finally upon the proposition for annexation, and, by deputies in convention assembled, to adopt a constitution with a view to the admission of Texas as one of the States of the American Union; and

Whereas no authority is given by the constitution of this republic to any branch of the government to call a convention and to change the organic law—this being a right reserved to the people themselves, and which they alone can properly exercise—

Therefore, be it known that I, Anson Jones, President of the republic of Texas, desirous of giving direction and effect to the public will, already so fully expressed, do recommend to the citizens of Texas that an election for "deputies" to a convention be held in the different counties of the republic on Wednesday, the fourth day of June next, upon the following basis, viz: Each county in the republic to elect one deputy, irrespective of the number of voters it contained at the last annual elections; each county voting at that time three hundred, and less than six hundred, to elect two deputies; each county voting at that time six hundred, and less than nine hundred, to elect three deputies; and each county voting at that time nine hundred and upwards, to elect four deputies . . . and that the said deputies so elected

⁴⁸Allen to Jones, May 4, 1845. Jones, *Memoranda and Official Correspondence of the Republic of Texas*, 459-460.

do assemble in convention at the city of Austin, on the "fourth of July" next, for the purpose of considering the proposition for the annexation of Texas to the United States, and any other proposition which may be made concerning the nationality of the Republic, and should they judge it expedient and proper, to adopt, provisionally, a constitution to be submitted to the people for their ratification, with the view to the admission of Texas, as a State, into the American Union, in accordance with the terms of the proposition for annexation already submitted to this government by that of the United States. And the chief justices of the respective counties aforesaid will give due notice of the said elections, appoint a presiding officer in the several precincts, who will appoint the judges and clerks of said elections, and have the same conducted according to the constitution and laws regulating elections, and make due return thereof.⁴⁹

According to Elliot, President Jones "convened Congress and recommended a Convention, clearly perceiving that no other means was left him of averting dangerous and irreparable consequences." Moreover, he said that President Jones assured him that the general state of public excitement in favor of annexation, so little looked for three months ago, would not keep him from fulfilling what he felt to be his obligations toward his own country, towards Mexico, and towards the powers that had interested themselves in the peaceful and honorable adjustment of this struggle; and that he should, therefore, in the course of a day or two, issue a proclamation, making known to the people of this country the actual situation of affairs with Mexico and leaving it to them and their constitutional agents to dispose of the result as they should judge best.⁵⁰ However, President Jones in a letter to Hamilton Stuart, the editor of the *Civilian and Gazette*, November 23, 1847, said that he called the convention agreeably, "to the expressed will of the people to hasten and insure the success of the measure of annexation and at the same time to settle and put to rest two very exciting questions,—those of the seat of government and the basis of representation."⁵¹

When President Jones issued the proclamation convening Congress, Donelson considered the question of annexation settled, so

⁴⁹*Proclamation by the President of the Republic*, May 5, 1845. Proclamations of the Republic of Texas, MS. State Library.

⁵⁰Elliot to Bankhead, June 11, 1845. Adams, *British Correspondence Concerning Texas*, 488-489.

⁵¹Jones, *Letters Relating to the History of Annexation*, 16.

far as Texas was concerned. He predicted, however, that there would be an "increase in the opposition" when Mexico brought forward her project for independence, aided by the temptation which England might offer in the way of commercial advantages; but that opposition would be powerless, compared with the mass who would favor annexation.⁵²

8. *The Petition of Texas for Military Aid*

Another very serious question arose when Allen wrote Donelson, May 19, that an acceptance of the proposition submitted by the United States would more than likely cause a Mexican invasion of Texas if the United States did not give her "aid and protection." He accordingly requested that troops be sent to the western frontier as soon as Texas had accepted the terms.⁵³ Thereupon, Donelson requested him to make an official application, which could be sent to the United States for approval. He assured the Secretary, however, that the assistance would be given since the invasion would certainly be aimed at the interests of the United States. Allen promptly drafted a note asking for military protection, and Donelson forwarded this to Buchanan with the injunction that until Texas should accept the United States' proposal, the greatest caution should be observed, so as not to give the slightest pretext for the assertion that either the government or the people of Texas had been influenced by the presence of United States forces.⁵⁴ In reply Buchanan said that the United States would "avoid even the least appearance of interference with the free action of the people of Texas," and that the government would "refrain from all acts of hostility towards Mexico, unless these should become absolutely necessary in self defense."⁵⁵ However, before Buchanan received Allen's request for military aid, he had written Donelson that "as soon as the existing government and the convention of Texas shall have accepted the terms proposed in the first two sections of the joint resolution for annexing Texas to the United States, the President will conceive it both his right and his duty to employ the army of the United States

⁵²Donelson to Buchanan, May 6, 1845. *Senate Doc. No. 1*, 29th Cong., 1 Sess., 56-57.

⁵³Allen to Donelson, May 19. *Ibid.*, 61.

⁵⁴Donelson to Buchanan, May 24. *Ibid.*, 59-61.

⁵⁵Buchanan to Donelson, June 3, 1845. *Ibid.*, 41-42.

in defending that State against the attacks of any foreign power. This shall be done promptly and efficiently, should any emergency make it necessary. In order to prepare for such a contingency, a force of three thousand men shall immediately be placed upon the border prepared to enter Texas without a moment's delay."⁵⁶

9. *Mexico's Acceptance of the Proposals of Texas*

On May 19, 1845, almost a month after Elliot had arrived in Mexico, the government accepted the conditions preliminary to a treaty of peace with Texas, but President Herrera requested that the person or persons sent to Texas to conclude the treaty of peace should take the name of commissioner or commissioners, and that the instant the negotiations should commence, they should bring forward their title of plenipotentiary. Moreover, Luis Cuevas, the Secretary of State, in an additional declaration asserted that if Texas should consent either directly or indirectly, to the "law passed in the United States on Annexation," then this agreement entered into between Texas and Mexico should be considered "null and void."⁵⁷ On May 20, Bankhead, the British minister in Mexico, transmitted to Elliot this document containing the acceptance of the Texan proposals, and instructed him to present it secretly to President Jones as soon as possible. Whereupon, Elliot immediately left Mexico for Texas by the way of Vera Cruz.⁵⁸

Elliott, according to his instructions, had expected to keep the negotiation a secret, but on arriving at Galveston, May 30, he found the strength and unanimity of the annexation cry so great that he made known the terms of the preliminary treaty. Donelson was at Iberville, Louisiana, when he heard that Texas and Mexico had entered into a preliminary treaty recognizing the independence of Texas. Before this he had heard rumors of the intrigue, but he had discredited them, and had repeatedly assured his government that there was nothing in the reports of British interference. However, when he received authentic information that the treaty had been accepted by Mexico, he hastened to Gal-

⁵⁶Buchanan to Donelson, May 23, 1845. *Ibid.*, 41.

⁵⁷Bankhead to Aberdeen, May 20, 1845. Adams, *British Correspondence Concerning Texas*, 489.

⁵⁸Bankhead to Elliot, May 20, 1845. Adams, *British Correspondence Concerning Texas*, 487.

veston. Here he met Elliot, who had just arrived from Mexico, and found out from him the exact terms of the proposal carried to Mexico.⁵⁹

Elliot set out for Washington on the first day of June, and hurried on without even pausing for rest. He reached his destination on June 3, and promptly delivered the documents to President Jones, who assured him that he would not fail to "fulfil what he considered his obligation towards his own country, towards Mexico, and towards the powers who had interested themselves in the peaceful and honorable settlement of this struggle, and that he would, therefore, in the course of a few days issue a proclamation setting forth the actual situation of affairs as they existed between Mexico and the people of this country, and then leave it to them and their constitutional agents to dispose of the result as they should judge best."⁶⁰ Accordingly, on June 4, President Jones issued this proclamation giving an account of the circumstances which preceded and led up to the negotiation with Mexico, and proclaiming a "cessation of hostilities against Mexico":

The Executive is now enabled to declare to the people of Texas the actual state of their affairs with respect to Mexico, to the end that they may direct and dispose them as they shall judge best for the honor and permanent interests of the republic.

During the course of the last winter it reached the knowledge of the Executive, from various sources of information, unofficial indeed, but still worthy of attention and credit, that the late and present government of Mexico were disposed to a peaceful settlement of the difficulties with Texas by the acknowledgment of our independence, upon the understanding that Texas would maintain her separate existence. No action, however, could be taken upon the subject, because nothing authentic was known until the month of March last, when the representatives of France and Great Britain near this government jointly and formally renewed the offer of the good offices of those powers with Mexico for the early and peaceful settlement of this struggle, upon the basis of the acknowledgment of our independence by that republic.

It would have been the imperative duty of the Executive at once to reject these offers if they had been accompanied by conditions of any kind whatever. But, with attentive watchfulness in that respect, and great disinclination to entangling alliances of any

⁵⁹Donelson to Buchanan, June 2, 1845. *Senate Doc.* No. 1, 29th Cong., 1 Sess., 64-66.

⁶⁰Elliot to Bankhead, June 11, 1845. *Adams, British Correspondence Concerning Texas*, 498-499.

description, or with any power, he must declare, in a spirit of justice, that no terms or conditions have ever been proposed by the two governments in question, or either of them, as the consideration of their friendly interposition.

Maturely considering the situation of affairs at that time, the Executive felt that it was incumbent upon him not to reject this opportunity of securing the people of this country, untrammelled by conditions, a peaceful, honorable, and advantageous settlement of their difficulties with Mexico, if they should see fit to adopt that mode of adjustment.

Thus influenced, he accepted the good offices of the two powers, which, with those of the United States, had been previously invoked by Texas, and placed in the hands of their representatives a statement of conditions preliminary to a treaty of peace, which he declared he should be ready to submit to the people of this country for their decision and action as soon as they were adopted by the government of Mexico. But he emphatically reminded those functionaries, for the special notice of their governments, that he was no more than the agent of the people; that he could neither direct, control, nor influence their decision; and that his bounden duty was to carry out their determination, constitutionally ascertained and expressed, be it what it might. Our representative at the courts of France and Great Britain, in addition to the task of strengthening the friendly dispositions of these governments, was also especially instructed to press upon their attention, that, if the people of Texas should determine to put an end to the separate existence of the country, the Executive, so far as depended upon his official action, must and would give immediate and full effect to their will.

The circumstances which preceded and led to an understanding with Mexico, have thus been stated; and the people, speaking through their chosen organs, will now determine as they shall judge right. But in the mean time, and until their pleasure can be lawfully and constitutionally ascertained, it is the duty of the Executive to secure to the nation the exercise of choice between the alternative of peace with the world and independence, or annexation and its contingencies; and he has, therefore, to issue the following proclamation:

Whereas authentic proof has recently been laid before me, to the effect that the Congress of Mexico has authorized the government to open negotiations and conclude a treaty with Texas, subject to the examination and approbation of that body; and further, that the government of Mexico has accepted the conditions prescribed on the part of Texas as preliminary to a final and definitive treaty of peace:

Therefore I, Anson Jones, President of the republic of Texas, and commander-in-chief of the army and navy and militia thereof,

do hereby make known these circumstances to the citizens of this republic, till the same can be more fully communicated to the honorable Congress and convention of the people, for their lawful action, at the period of their assembling on the 16th June and 4th July next; and pending the said action, by virtue of the authority in me vested, I do hereby declare and proclaim a cessation of hostilities by land and by sea, against the republic of Mexico, or against the citizens and trade thereof.⁶¹

10. Opposition to the Preliminary Treaty with Mexico

The anti-administration party took the position that President Jones had entered into this negotiation with Mexico to create an issue on which a majority of the people would unite against the American proposal. Therefore, a storm of protest arose. "We are informed," said the editors of the *New Orleans Courier*, June 24, "that the feelings of the whole population are aroused to the highest pitch by the treacherous conduct of Jones and by his intention, if left to himself, to throw the republic into the arms of England." Ashbel Smith said that the people appeared frantic in their hostility to the negotiation.⁶²

Donelson thought that the negotiation with Mexico "*was nothing more nor less than a contrivance* of Great Britain to defeat annexation or to involve Mexico in war with the United States," as Elliot on his return announced that hostilities would ensue if Texas accepted the American proposition. To meet this emergency and to counteract the effect of Elliot's reports, Donelson, keeping within the limits of his instructions of May 23, prepared a "paper for the Texas government," in which he again pledged the forces of the United States to protect Texas as soon as the government accepted the proposed terms. He sent this communication to Allen on June 11, and at the same time urged him to adhere strictly to the terms of annexation contained in the first and second sections of the joint resolution, and to include nothing in the new constitution that would create a doubtful issue in the Congress of the United States.⁶³

As such a large majority of the friends of annexation condemned

⁶¹*A Proclamation by the President of the Republic of Texas. Senate Doc. No. 1, 29th Cong., 1 Sess., 81-82; Proclamation Papers of the Republic of Texas, 1845, MS. State Library.*

⁶²Smith, *Reminiscences of the Republic of Texas*, 72.

⁶³Donelson to Buchanan, June 11, 1845. *House Exec. Doc. No. 1, 29th Cong., 1 Sess., 55-56.*

President Jones in unmeasured terms for entering into the negotiation with Mexico, on November 23, 1847, Jones, in defense of his action, wrote to the editor of the *Civilian and Gazette* (Galveston) :

In March, 1845, the ministers of France and England waited upon me, and showed me their instructions. The good offices tendered had been frequently invoked by Texas, long before I was connected with the executive government, and whether good policy or not, I did not feel at liberty to refuse them. It was probable that the annexation resolutions had passed in some form or other, but the instructions of these ministers had been sent out from London and Paris at a period when there was but very little hope entertained that those resolutions would succeed in any form at all, or that Texas would accept them. They had been sent in good faith and in a spirit of kindness evidently, and I think I should have been wholly unjustifiable before the people of Texas, and the world, if I had refused them. If jealousy of the European powers had been the efficient cause of the immense change of sentiment in the United States which had taken place in the last two years in its favor, it might be well to keep this jealousy alive a little longer. . . . The annexation measure had carried in the Senate by one vote. A little reaction in public opinion might change many votes perhaps, and the question had to be referred to another Congress for final action, and might therefore be lost. It behoved the friends of the measure to be prodent. The Secretary of State of the United States, Mr. Buchanan, bears testimony to the efficiency of the movement. . . . One of its good effects has been to render us, to a very great extent, a united people on the question of annexation. I was desirous to secure entire harmony in the United States on this subject, and it appears from this emotion of Mr. Buchanan that I succeeded tolerably well.

I accepted the good offices of France and England, thus tendered by their ministers, and prescribed the terms of a preliminary treaty, and promised the ministers that if signed by the executive of Mexico with the consent of the Congress, I would submit the proposition it contained, in good faith to the people of Texas; and would carry out their will when expressed, but nothing more. This pledge I subsequently fulfilled amid a storm of violent abuse.

Had the government of the United States adopted the alternative of negotiations as prescribed by the third section of the joint resolution for annexation instead of the one they did, . . . by the pendency of so favorable an offer for peace and independence, Texas would have been in a position to ask and obtain better terms in a treaty for annexation, than she would otherwise have

been so that in every way in which the subject can be viewed the country would have been benefited by this preliminary treaty.

Those who so frequently harp on the words "treason and traitor," in reference to the arrangement with Mexico, forget that I was not at that time acting for the U. S.

Despite the fact that the anti-administration party condemned President Jones so severely for entering into the preliminary treaty with Mexico, Wm. B. Ochiltree, a strong annexationist, of Houston, said that it was the duty of the President to accept the offices of the foreign powers to obtain from Mexico the terms upon which she would be willing to acknowledge the independence of Texas, and that since President Jones had stated the terms, and Mexico had accepted them, that he was in duty bound to submit these propositions to Congress, as the constitution required the President to submit all documents in the nature of a treaty to the Senate. Furthermore, if he had rejected the offer on his own responsibility, that he would have been liable to censure.⁶⁵

11. Congress's Acceptance of the American Proposal

After the President issued the proclamation making known the negotiation with Mexico, nothing else of importance occurred relative to annexation until Congress met, June 16. As soon as Congress was organized, President Jones presented both the American and the Mexican propositions, in accordance with his previous announcement, so the alternative of annexation or independence was thus placed before the people, and their "free, sovereign, and unbiased voice" was to determine "the all important issue." In his message, he assured the members of Congress that in so far as it should depend upon the executive to act, he would give immediate and full effect to their expressed will.⁶⁶

Two bills relative to annexation were introduced in Congress, one in each house, and were unanimously adopted, but, as the bills were different in some respects, neither house was willing to accept the bill of the other. Therefore, a committee of conference was chosen by the two houses to effect a compromise. The substitute

⁶⁴Jones, *Letters Relating to Annexation*, 12-14.

⁶⁵*Telegraph and Texas Register* (Washington), June 11, 1845.

⁶⁶*Message of President Jones*, June 16, 1845. *House Journal*, 9th Texas Cong., 5; *Telegraph and Texas Register* (Washington), July 25, 1845.

bill recommended by this committee was adopted and promptly signed by President Jones.⁶⁷

Since Donelson did not think that it would be necessary for him to remain in Texas after the Texas Congress had accepted the American proposition, he had asked permission of Polk to return to the United States. Polk, however, wrote him that he did not consider it safe for him to leave Texas, as the assent of the existing government was but the initiatory step in accomplishing the object of his mission. As the measure would not be beyond danger until it had been accepted by a convention of the people, it was, therefore, very important that the "minister of the United States should be on the spot ready to counteract any influences or intrigues which might be brought to bear upon annexation."⁶⁸

⁶⁷Allen to Donelson, June 23, 1845. *House Exec. Doc. No. 1, 29th Cong., 1 Sess., 75-76.*

⁶⁸Polk to Donelson, May 26, 1845. *Tennessee Historical Magazine*, III, 66-67.